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FAX TO: Office of Petition

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FROM: Winston Hsu, PATENT AGENT, REG. NO. : 41,526

SERIAL NO.: 10/708,284

ATTORNEY DOCKET NO.: REAP0014USA

**SUBJECT: PETITION TO CANCEL A DUPLICATE
APPLICATION CREATED BY EFS AND TO
REFUND THE FILING FEE**

TOTAL PAGES: 15 PAGES (INCLUDING COVER PAGE)

Winston Hsu

MAR 21 2005

CEIP0040USA

PTO/SB/97 (09-04)

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(1) Transmittal form	1 PAGE
(2) Fee transmittal	1 PAGE
(3) A statement	2 PAGES
(4) A copy of a screen in the course of filing	1 PAGE
(5) A copy of the acknowledgement receipt	3 PAGES
(6) A copy of deposit account statement of No. 500801	5 PAGES

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PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/708,284	
	Filing Date	02/23/2004	
	First Named Inventor	Pao-Cheng Chiu	
	Art Unit	2819	
	Examiner Name	CHANG, DANIEL D	
Total Number of Pages in This Submission	13	Attorney Docket Number	REAP0014USA

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. A copy of a screen in the course of filing
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. A copy of the Acknowledge Receipt
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3. A copy of the deposit account statement
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks Petition to cancel a duplicate application created by EPS and to refund the filing fee	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	North America Intellectual Property Corporation		
Signature	<i>Winston Hsu</i>		
Printed name	Winston Hsu		
Date	MAR 21 2005	Reg. No.	41,526

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17p (11-04)

Approved for use through 07/31/2007, OMB 0651-0031

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	10/708,284
	Filing Date	02/23/2004
	First Named Inventor	Pao-Cheng Chiu
	Art Unit	2819
	Examiner Name	CHANG, DANIEL D
	Attorney Docket Number	REAP0014USA

Enclosed is a petition filed under 37 CFR 1.181 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 0.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17l.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-3105:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.135(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Winston Hsu

Signature

Winston Hsu

Typed or printed name

MAR 21 2005

Date

41,526

Registration No., if applicable

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
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Applicants: Pao-Cheng Chiu et al.
Examiner: CHANG, DANIEL D
Filing Date: 02/23/2004 Art Unit: 2819
App. No.: 10/708,284 Docket No.: REAP0014USA

Title: HIGH-TO-LOW LEVEL SHIFTER

To: Office of Initial Patent Examination
P.O. Box 1450
Alexandria VA 22313-1450

Subject: Petition to cancel a duplicate application created by EFS and to refund
the filing fee

Dear Sir,

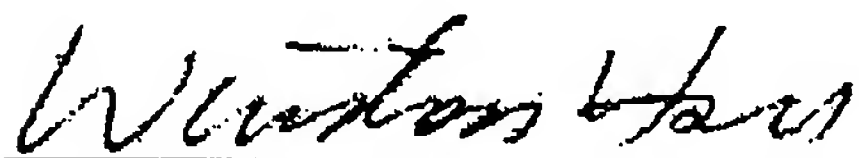
At 02/22/2004 when the undersigned patent agent used the EFS to file a non-provisional patent application (docket number: REAP0014USA), an error occurred in the electronically filing process which generated an error message (attachment 1). The undersigned agent believed that this filing is not complete because the error of the EFS server. Two days later (02/24/2004), the undersigned agent made another EFS filing for the same application and this filing was successfully completed. An acknowledgement receipt was generated from the EFS system (attachment 2) and it showed that the application number is 10/708,327. Three months after the electronic filing process, the undersigned agent received two filing receipts of two U.S. patent applications 10/708,284 (filing date 2/23/2004) and 10/708,327 (filing date 2/24/2004) on 05/24/2004. The undersigned agent believed that the duplicate patent application 10/708,284 was created by the first incomplete filing performed at 02/22/2004. Somebody in the EBC of USPTO must have done something to the incomplete patent application on 02/23/2004 and caused the

incomplete patent application revived. The undersigned agent had no knowledge about the revival of the incomplete patent application until received the filing receipt of the duplicate patent application 10/708,284 on 05/24/2004.

The undersigned agent started calling the electronic business center and various OIPE personnel trying to get the duplicate patent application 10/708,284 canceled. After a lengthy calling and waiting process, nothing happened and the final message from a supervisor of OIPE (Delora Dillard, 703-305-7654) was that the undersigned agent must make a petition to cancel the duplicate patent application 10/708,284.

The undersigned agent hereby requests the USPTO to cancel the duplicate patent application 10/708,284 and refund the fee \$810 paid for this application (attachment 3) to the deposit account no. 500801.

Respectfully submitted,



Date: MAR 21 2005

Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506 Merrifield, VA 22116 U.S.A.

Voice mail: 302-729-1562

Facsimile: 806-498-6673

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(Note: Please leave a message in my voice mail if you need to talk to me. The time difference between D.C. and Taiwan is 13 hours. The preferred time period for telephone conversation is 7 AM (or earlier) – 11 AM, D.C. time.)